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21 **UNITED STATES DISTRICT COURT**

22 **NORTHERN DISTRICT OF CALIFORNIA**

23 **SAN FRANCISCO DIVISION**

24 RICHARD DENT, ET AL.,

25 v.
Plaintiffs,

26 NATIONAL FOOTBALL LEAGUE,

27 Defendant.

28 CASE NO.: 3:14-CV-02324-WHA

JOINT CASE MANAGEMENT
STATEMENT [Civ. Local R. 16-9]

Date: March 21, 2019
Time: 8:00 a.m.
Dept.: 12, The Honorable William Alsup

1 Plaintiffs and Defendant the National Football League (hereinafter “Defendant” or “NFL”)
 2 (collectively, the “Parties”) respectfully submit this JOINT CASE MANAGEMENT
 3 STATEMENT pursuant to Civil Local Rule 16-9, Rules 16 and 26(f) of the Federal Rules of Civil
 4 Procedure, the Standing Order for All Judges of the Northern District of California-Contents of
 5 Joint Case Management Statement (as revised Nov. 1, 2018), and this Court’s February 14, 2019
 6 Notice Continuing Hearings, and state as follows.

7 **1. Jurisdiction and Service**

8 The basis for the Court’s jurisdiction is 28 U.S.C. § 1332(d)(2). The Parties agree that the
 9 Court has personal jurisdiction over the Defendant and that venue is proper in this Court.
 10 Defendant has waived service of summons and filed its initial pleadings. No parties remain to be
 11 served.

12 **2. Facts**

13 Plaintiffs allege, among other things, that Defendant directly and indirectly supplied players
 14 with, and encouraged players to use, certain medications and other pharmacological agents,
 15 including but not limited to opioids, non-steroidal anti-inflammatory drugs, and local anesthetics,
 16 in violation of Federal law criminalizing and regulating the use and distribution of such
 17 medications and common law duties. Plaintiffs allege that such conduct began as early as 1970,
 18 and possibly earlier, and continued through at least 2012.

19 Defendant denies Plaintiffs’ allegations, and contends that Plaintiffs are not permitted to
 20 rely on allegations of purported “indirect” conduct on the part of the NFL in light of the Ninth
 21 Circuit’s order that “on remand, any further proceedings in this case should be limited to claims
 22 arising from the conduct of the NFL and NFL personnel—not the conduct of individual teams’
 23 employees.” *Dent v. Nat’l Football League*, 902 F.3d 1109, 1121 (9th Cir. 2018).

24 **3. Legal Issues**

25 The following legal issues are disputed at the pleading stage of this litigation:

26

- 27 • Whether Plaintiffs’ negligence claims are barred, in whole or in part, by the applicable
 statutes of limitations;
- 28 • Whether Plaintiffs have adequately stated their negligence claims under Rules 8 and 12
 of the Federal Rules of Civil Procedure;

1 • Whether Plaintiffs' negligence claims, as pled, comply with the Ninth Circuit's decision
 2 in this action, which ordered that "on remand, any further proceedings in this case
 3 should be limited to claims arising from the conduct of the NFL and NFL personnel—
 4 not the conduct of individual teams' employees" (*id.*);¹ and
 5 • Whether Plaintiffs can certify a class, or sub-classes, under Rule 23 of the Federal Rules
 6 of Civil Procedure.

7 The Parties anticipate that other significant legal issues will be disputed as the litigation
 8 progresses.

9 **4. Motions**

10 (a) The Parties' Statement Regarding Filed and Pending Motions

11 On January 15, 2019, Defendant moved to dismiss Plaintiffs' Third Amended Complaint in
 12 its entirety on the grounds that Plaintiffs have failed to state a claim and that their claims are time-
 13 barred. There are no other pending motions.

14 (b) The Parties' Position Regarding Future Motions

15 The Parties agree that, should the NFL's motion to dismiss be denied, the Parties would
 16 brief the issue of class certification. The NFL also anticipates that it will file other motions,
 17 including one or more motions for summary judgment, at the appropriate time.

18 **5. Amendments**

19 None.

20 **6. Evidence Preservation**

21 The Parties have reviewed the Guidelines Relating to the Discovery of Electronically
 22 Stored Information ("ESI Guidelines"). On July 23, 2014, and again on August 11, 2014, the
 23 Parties (through their counsel) engaged in a preliminary conference pursuant to Rule 26(f) of the
 24 Federal Rules of Civil Procedure to discuss issues of document preservation and the proper
 25 sequencing of discovery. In that initial conference, the Parties discussed the proposed schedule for
 26 sequencing early motion practice and discovery outlined in Sections 4 and 17.

27 The NFL has taken steps to preserve potentially relevant evidence. The NFL sent a
 28 document preservation notice to all pertinent NFL employees. In addition, the NFL has sent a

27 ¹ Plaintiffs do not believe this is a legal issue in dispute; Defendant, however, does.
 28

1 notice to each of the 32 member clubs informing it of the litigation and requesting that each club
 2 take steps to preserve potentially relevant evidence.

3 **7. Disclosures**

4 The Parties made the following initial disclosures pursuant to Rule 26 of the Federal Rules
 5 of Civil Procedure on September 26, 2014:

6 (a) Defendant provided:

- 7 • A good faith list of applicable insurance carriers;
- 8 • Insurance declaration sheets in the NFL's possession;
- 9 • Medical records for the named Plaintiffs in the NFL's possession while making a good
 10 faith effort to obtain the same from the individual teams;
- 11 • NFL policies issued or in force since January 1, 2004, relating to the procurement,
 12 distribution and administration of controlled substances and other pharmacological
 13 agents; and
- 14 • A sampling of NFL policies issued or in force since January 1, 2004, relating to the
 15 supervision, training and qualification of doctors, trainers and other medical personnel
 16 that are in the NFL's possession, or a statement that no such documents are in the
 17 NFL's possession.

18 (b) Plaintiffs provided:

- 19 • Health Insurance Portability and Accountability Act of 1996 ("HIPAA") releases for the
 20 named Plaintiffs permitting the NFL to access, copy and produce each plaintiff's
 21 medical records, including but not limited to drug testing records, substance abuse
 22 counseling records and hospital records;
- 23 • Medical records for the named Plaintiffs in their possession; and
- 24 • A list of medical providers for the named Plaintiffs.

25 **8. Discovery**

26 In 2014, the Parties agreed that, other than initial disclosures and subject to evidence
 27 preservation, discussed *supra*, subject to the Court's view of "an early practicable time" (Fed. R.
 28 Civ. P. 23(c)(1)(A)), discovery would proceed in two phases. The first phase would begin after the
 29 Court ruled on the NFL's motion(s) to dismiss and the parties would, within seven (7) days of that
 30 ruling, confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure regarding class
 31 discovery. That first phase would include certain third-party discovery, requests for admission,
 32 and other discovery as provided for in Rule 26(f).

1 document production, interrogatories, expert witness class certification testimony, and deposition
 2 testimony. The Parties would thereafter brief class certification issues and, depending on the
 3 Court's ruling, the Parties would at that time confer to determine what remaining discovery would
 4 be necessary to prepare the case for trial.

5 On August 13, 2014, the Parties submitted to the Court a Stipulated Protective Order that
 6 would govern the production of discovery material in the case. On August 14, 2014, the Court
 7 entered its Order Approving Stipulated Protective Order Subject to Stated Conditions.

8 The Parties then proceeded to conduct discovery in this action. Among other discovery,
 9 Plaintiffs and Defendant both served—and responded to—written discovery and made certain
 10 productions of documents before the Court ruled on the NFL's Motions to Dismiss in 2014.
 11 Plaintiffs also conducted depositions of certain witnesses pursuant to a Person Most
 12 Knowledgeable Deposition Notice served upon Defendant. After the Court dismissed Plaintiffs'
 13 claims, the Parties ceased their discovery efforts and Plaintiffs appealed this Court's order.

14 While Plaintiffs' appeal was pending, Plaintiffs' counsel filed a separate litigation on behalf
 15 of thirteen former professional football players—all putative members of the proposed class here—
 16 against the NFL's member clubs in *Evans, et al. v. Arizona Cardinals, et al.*, Civil Case No.: 3:16-
 17 CV-01030-WHA (the “*Evans* Action”). Substantial discovery was conducted by Plaintiffs in the
 18 *Evans* Action. Between the *Dent* and *Evans* actions, the NFL and its member clubs have already
 19 put forth thirty (30) witnesses for deposition and produced more than 420,000 pages of documents.

20 In light of the foregoing, Defendant submits that a limited discovery period is all that is
 21 needed for both parties to ready the case for motions regarding class certification and for trial.

22 As discovery has and likely will continue to involve disclosure of Plaintiffs' private
 23 medical records, implicating the players' privacy interests under the Health Insurance Portability
 24 and Accountability Act of 1996, the Parties have taken appropriate steps to minimize the impact on
 25 privacy rights.

26 **9. Class Action**

27 Per above, the parties propose that, if Defendant's dismissal motion is denied, the parties
 28 would begin discovery designed to allow Plaintiffs to seek class certification at the earliest

1 practicable time. Plaintiffs estimate that class discovery can be concluded in nine (9) months from
 2 the Court's ruling on the NFL's last motion to dismiss; the NFL believes that discovery can be
 3 completed in four (4) months (*see* Section 17, *infra*).

4 Plaintiffs state that pursuant to Civil L.R. 16-9(b)(1), they intend to maintain this case as a
 5 class action under Rules 23(b)(1) and (b)(3) of the Federal Rules of Civil Procedure.

6 Plaintiffs further state that, pursuant to Civil L.R. 16-9(b)(2), the class consists of
 7 themselves and all other similarly situated individuals pursuant to Fed. R. Civ. P. 23, consisting of
 8 all Players, which for class purposes shall mean anyone listed on one of the Clubs' rosters from the
 9 point in a season where a final roster decision is announced (for the 2016 season, this would have
 10 been when the 53-man roster was announced on September 3, 2016) through the completion of that
 11 season, who received Medications, which for class purposes shall include, but not be limited to,
 12 Naprosyn, Indocin, Vioxx, Prednisone, and Toradol, from an NFL Club.

13 Plaintiffs further state that the alleged class period is from January 1, 1968 through the
 14 present.

15 Plaintiffs further state that pursuant to Civil L.R. 16-9(b)(3), they are entitled to maintain a
 16 class action under Rules 23(b) for the following reasons:

17 The members of the Class are so numerous that joinder of all members of any Class would
 18 be impracticable. Plaintiffs reasonably believe that Class members number thousands of people in
 19 the aggregate. The names and addresses of Class members are identifiable through documents
 20 maintained by Defendant.

21 This action involves common questions of law or fact, which predominate over any
 22 questions affecting individual Class members, including, among others:

23 (a) Whether Defendant provided or administered Medications to the Class
 24 Members?

25 (b) Whether Defendant violated the Controlled Substances Act's requirements
 26 governing acquisition of controlled substances?

27 (c) Whether Defendant violated the Controlled Substances Act's requirements
 28 governing storage of controlled substances?

(d) Whether Defendant violated the Controlled Substances Act's requirements governing distribution of controlled substances?

(e) Whether Defendant violated the Food and Drug Act's requirements governing distribution of prescribed medications?

(f) Whether the provision or administration of Medications to Class Members, as described above, violated state pharmaceutical laws regulating the acquisition, storage and dispensing of Medications?

(g) Whether the Class Members provided informed consent authorizing the provision or administration of Medications?

(h) Whether Defendant owed a duty and breached that duty to Class Members by violating the federal and state laws described herein?

(i) Whether Defendant's breach of a duty to Class Members by failing to comply with federal and state laws governing the provision and administration of Medications proximately caused Plaintiffs' and Class Members' damages?

In addition, Defendant engaged in a common course of conduct giving rise to the legal rights sought to be enforced by Plaintiffs individually and on behalf of the members of the Class. Similar or identical statutory and common law violations, business practices, and injuries are involved. Individual questions, if any, pale by comparison, in both quantity and quality, to the numerous common questions that dominate this action.

Further, Plaintiffs' claims are typical of the claims of the other members of the Class because, among other things, Plaintiffs and the other Class Members were injured through the substantially uniform misconduct by Defendant. Plaintiffs are advancing the same claims and legal theories on behalf of themselves and all other Class members, and there are no defenses that are unique to Plaintiffs. The claims of Plaintiffs and those of other Class Members arise from the same operative facts and are based on the same legal theories. Plaintiffs are also adequate representatives of the classes because their interests do not conflict with the interests of the other Class Members they seek to represent; they have retained counsel competent and experienced in complex class action litigation, and Plaintiffs have and will continue to prosecute this action vigorously. The Class Members' interests will be fairly and adequately protected by Plaintiffs and their counsel.

1 Finally, class action is superior to any other available means for the fair and efficient
 2 adjudication of this controversy, and no unusual difficulties are likely to be encountered in the
 3 management of this matter as a class action. The damages, injuries, harm, or other financial
 4 detriment suffered individually by Plaintiffs and the other members of the Class are relatively small
 5 compared to the burden and expense that would be required to litigate their claims on an individual
 6 basis against Defendant, making it impracticable for Class members to individually seek redress for
 7 Defendant's wrongful conduct. Even if Class members could afford individual litigation, the court
 8 system could not. Individualized litigation would create a potential for inconsistent or
 9 contradictory judgments, and increase the delay and expense to all parties and the court system. By
 10 contrast, the class action device presents far fewer management difficulties and provides the
 11 benefits of single adjudication, economies of scale, and comprehensive supervision by a single
 12 court.

13 Defendant, on the other hand, disputes the foregoing and intends to demonstrate why this
 14 case is not suited for resolution through a class action lawsuit in its class certification briefing.

15 **10. Related Cases**

16 On February 6, 2019, the United States Court of Appeals for the Ninth Circuit affirmed this
 17 Court's decision granting summary judgment in *Evans, et al. v. Arizona Cardinals, et al.*, Civil
 18 Case No.: 3:16-CV-01030-WHA. Mandate was issued on February 28, 2019.

19 The Parties also anticipate some members of the prospective class(es) may have pending
 20 workers' compensation cases against Defendant that may involve related issues.

21 **11. Relief**

22 Plaintiffs request that the Court award Plaintiffs:

- 23 • compensatory damages against the NFL;
- 24 • punitive damages against the NFL;
- 25 • such other relief as may be appropriate; and
- 26 • their prejudgment interest, costs and attorneys' fees.

27 **12. Settlement and ADR**

28 The Parties have complied with ADR Civil Local Rule 3-5, and have filed their respective

1 ADR Certifications. Plaintiffs contend that through the course of the *Evans* litigation, Plaintiffs'
 2 counsel has received thousands of relevant documents and taken dozens of depositions related to
 3 the allegations at issue. That discovery is more than sufficient for the Parties to meaningfully
 4 discuss settlement, and the fact that this litigation has been ongoing for close to five (5) years and
 5 that related litigation was ongoing for almost four (4) years militates in favor of at least discussing
 6 whether a settlement can occur. Plaintiffs thus would request that the Court allow the Parties to
 7 discuss settlement or alternative dispute resolution.

8 Defendant does not believe settlement discussions are appropriate at this juncture.

9 **13. Consent to Magistrate**

10 Plaintiffs consent to proceed before a Magistrate Judge.

11 In light of the Court's extensive experience and familiarity with this case and other related
 12 litigation, Defendant does not consent to proceed before a Magistrate Judge.

13 **14. Other References**

14 Given that the Plaintiffs purport to act on behalf of a class of retired NFL players, the case
 15 is not proper for reference to the Judicial Panel on Multidistrict Litigation. The Parties believe it is
 16 premature to assess any potential references to a special master.

17 **15. Narrowing of Issues**

18 Beyond the initial motion practice described in Section 4 above, the Parties do not think
 19 they can presently narrow the issues.

20 **16. Expedited Trial Procedure**

21 The parties do not think this case is appropriate for handling under the Expedited Trial
 22 Procedure of General Order 64.

23 **17. Scheduling**

24 (a) **Plaintiffs' Proposed Schedule**

25 The Plaintiffs respectfully propose the following schedule:

<u>Motion/Event</u>	<u>Date</u>
NFL's Motion to Dismiss	January 16, 2019
Hearing on Motion to Dismiss	March 21, 2019

1	<u>Motion/Event</u>	2	<u>Date</u>
3	Parties to Confer Pursuant to FRCP 26(f)	4	Within 14 days after the Court's ruling on the Initial Motion to Dismiss
5	Disclosures of Experts for Class Certification	6	Within 90 days after the FRCP 26(f) Conference
7	Disclosures of Rebuttal Experts	8	Within 45 days after Expert Disclosures
9	Disclosure of Reply Experts (If Necessary)	10	Within 30 days after Rebuttal Disclosures
11	Motion for Class Certification	12	9 months after FRCP 26(f) Conference ²
13	Hearing on Class Certification	14	60 days after submission of class certification issues to Court
15	Parties to Confer Pursuant to FRCP 26(f) Regarding Remaining Discovery	16	14 days after Court's ruling on class certification
17	Non-Expert Discovery Cutoff Date	18	9 months after Court's ruling on class certification
19	Parties to Serve Lists of Issues on Which They Will Offer Expert Testimony	20	14 days after non-expert discovery cutoff date
21	Last Date for Designation of Expert Testimony and Disclosure of Full Expert Reports Under FRCP 26(a)(2)	22	28 days after service of lists of issues on which expert testimony will be offered
23	Opposition Expert Reports	24	21 days after initial expert disclosures
25	Reply/Rebuttal Expert Reports	26	14 days after opposition expert reports
27	Expert Discovery Cutoff	28	30 days after deadline for reply reports
29	Dispositive Motions Due	30	60 days after expert discovery cutoff
31	Final Pretrial Conference	32	14 days after ruling on dispositive motions
33	Jury Trial	34	14 days after final pretrial conference

18 (b) The NFL's Proposed Schedule

19 The NFL respectfully submits the proposed schedule set forth below. The main area of
20 disagreement is the duration and process for discovery (Plaintiffs propose nine (9) months of
21 simultaneous fact and expert discovery, whereas the NFL proposes six (6) months of discovery
22 followed by expert discovery).

23 The following is the NFL's proposed schedule:

24	MOTION / EVENT	25	DEADLINE
26	NFL Files Motion to Dismiss	27	January 16, 2019

28 ² See NFL's position below, Section 17(b).

1	MOTION / EVENT	DEADLINE
2	Hearing on Motion to Dismiss	March 21, 2019
3	Non-Expert Discovery Cutoff	Within 6 months of the decision on the NFL's Motion to Dismiss
4	Plaintiffs to identify any experts in support of class certification and list of issues that experts will cover	Within 4 months of the decision on the NFL's Motion to Dismiss
5	Class Certification Motion, disclosures of Plaintiffs' experts for class certification, and identification by Defendants of any experts in opposition to class certification and list of issues that experts will cover	Within 6 months of the decision on the NFL's Motion to Dismiss
6	Disclosures of Defendants' class certification rebuttal experts	Within 90 days of Plaintiffs' class certification expert disclosures
7	Disclosure of Plaintiffs' class certification reply experts (if necessary)	Within 30 days of Defendants' class certification rebuttal expert disclosures
8	Depositions of class certification experts	Within 45 days of Defendants' class certification rebuttal expert disclosures
9	Defendants' Response in Opposition to Class Certification Motion	Within 14 days of completion of class certification expert depositions
10	Class Certification Hearing	Within 60 days of Defendants' filing of their Response in Opposition to Class Certification Motion
11	Disclosure of list of issues on which any party intends to offer expert testimony in its case-in-chief	28 days before opening reports are disclosed
12	Designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof ("opening reports")	Within 2 weeks of the hearing on class certification
13	Disclosure of expert reports in opposition to opening reports ("opposition reports")	Within 21 days of disclosure of opening reports
14	Disclosure of reply reports rebutting specific material in opposition reports ("reply reports")	Within 14 days of disclosure of opposition reports
15	Expert Discovery Cutoff	Within 14 days of disclosure of reply reports
16	Dispositive Motions Due	Within 3 months of expert discovery cutoff

MOTION / EVENT	DEADLINE
Final Pretrial Conference	Within 2 months of rulings on dispositive motions
Jury Trial	14 days after final pretrial conference

18. **Trial**

6 The case will be tried to a jury. The Parties anticipate the trial will take four weeks.

7 **19. Disclosure of Non-Party Interested Entities or Persons**

8 On May 20, 2014, Plaintiffs filed their Certificate of Interested Entities or Persons Pursuant
9 to Civil Local Rule 3-15, in which Plaintiffs certified that, as of that date, other than named parties
10 and class members, there is no such interest to report.

11 On August 13, 2014, the NFL filed its Certificate of Interested Entities or Persons Pursuant
12 to Civil Local Rule 3-15, in which it certified that the following listed persons, associations of
13 persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a
14 financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a
15 non-financial interest in that subject matter or in a party that could be substantially affected by the
16 outcome of this proceeding, and stated as follows:

17 The NFL is an unincorporated association of 32 member clubs. Each member club is
18 separately owned. It is possible that the interests of the member clubs, or some of them, could be
19 affected by the outcome of this proceeding. Thus, in the interests of full disclosure and to aid the
20 Court, the NFL hereby identifies each of the 32 NFL member clubs and its owner(s) as non-party
21 potentially interested entities.

CLUBS	ENTITIES
Arizona Cardinals	Arizona Cardinals Football Club LLC; Arizona Cardinals Holding Company LLC
Atlanta Falcons	Atlanta Falcons Football Club, LLC
Baltimore Ravens	Baltimore Ravens Limited Partnership; Baltimore Football Company LLC (general partner)
Buffalo Bills	Buffalo Bills, Inc.
Carolina Panthers	Panthers Football, LLC; P.F.F., Inc. (general partner)

1	CLUBS	ENTITIES
2	Chicago Bears	The Chicago Bears Football Club, Inc.
3	Cincinnati Bengals	Cincinnati Bengals, Inc.
4	Cleveland Browns	Cleveland Browns Football Company LLC
5	Dallas Cowboys	Dallas Cowboys Football Club, Ltd.; JWJ Corporation (general partner)
6	Denver Broncos	PDB Sports, Ltd. d/b/a Denver Broncos Football Club; Bowlen Sports, Inc. (general partner)
7	Detroit Lions	The Detroit Lions, Inc.
8	Green Bay Packers	Green Bay Packers, Inc.
9	Houston Texans	Houston NFL Holdings, L.P.; RCM Sports and Leisure, L.P. (general partner); Houston NFL Holdings G.P., L.L.C. (general partner of RCM Sports)
10	Indianapolis Colts	Indianapolis Colts, Inc.
11	Jacksonville Jaguars	Jacksonville Jaguars, LLC; TDJ Football, Ltd. (general partner); Dar Group Investments, Inc. (general partner of TDJ Football)
12	Kansas City Chiefs	Kansas City Chiefs Football Club, Inc.
13	Miami Dolphins	Miami Dolphins, Ltd.; South Florida Football Corporation (general partner)
14	Minnesota Vikings	Minnesota Vikings Football, LLC
15	New England Patriots	New England Patriots LLC
16	New Orleans Saints	New Orleans Louisiana Saints, L.L.C.; Benson Football, Inc. (general partner)
17	New York Giants	New York Football Giants, Inc.
18	New York Jets	New York Jets LLC
19	Oakland Raiders	The Oakland Raiders; A.D. Football, Inc. (general partner)
20	Philadelphia Eagles	Philadelphia Eagles, LLC
21	Pittsburgh Steelers	Pittsburgh Steelers LLC
22	St. Louis Rams	The St. Louis Rams, LLC ³
23	San Diego Chargers	Chargers Football Company, LLC; Alex G. Spanos (general partner)

³ Since 2014, both the Rams and Chargers have changed locations; both are now in Los Angeles. The entity associated with the Rams is now referred to as The Los Angeles Rams, LLC.

CLUBS	ENTITIES
San Francisco 49ers	Forty Niners Football Company LLC; San Francisco Forty Niners, LLC (general partner)
Seattle Seahawks	Football Northwest LLC
Tampa Bay Buccaneers	Buccaneers Limited Partnership; Tampa Bay Broadcasting, Inc. (general partner)
Tennessee Titans	Tennessee Football, Inc.; Cumberland Football Management, Inc. (general partner)
Washington Redskins	Pro-Football, Inc.

8 **20. Other Matters**

9 The Parties have no other matters to discuss at this time.

11 DATED: March 14, 2019

Respectfully Submitted:

13 SILVERMAN, THOMPSON, SLUTKIN, WHITE, LLC
14 NAMANNY BYRNE & OWENS, P.C.

15 By: _____/s/ *William N. Sinclair*
16 WILLIAM N. SINCLAIR
17 Attorneys for PLAINTIFFS

17 DATED: March 14, 2019

Respectfully Submitted:

18 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

20 By: _____/s/ *Jack P. DiCano*
21 JACK P. DICANIO
22 Attorneys for Defendant
23 NATIONAL FOOTBALL LEAGUE

1 **ATTESTATION**

2 I, Jack P. DiCanio, am the ECF User whose identification and password are being used to
3 file this **JOINT CASE MANAGEMENT STATEMENT**. In compliance with Civil Local Rule
4 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

5
6 DATED: March 14, 2019

7 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

8 By: _____ */s/ Jack P. DiCanio*
9 JACK P. DICANIO
10 Attorneys for Defendant
11 NATIONAL FOOTBALL LEAGUE

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